

**MINUTES OF
MISSISSIPPI TORT CLAIMS BOARD
THURSDAY, MAY 16, 2013**

The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

P. Ryan Beckett, Chairman
Eads, Jay; Representing Insurance Commissioner Mike Chaney, MS Insurance
Department
Jackson, Laura; Deputy State Treasurer, Representing Treasurer Lynn Fitch
Lanford, Mike; Deputy Attorney General, Representing Attorney General Jim Hood
Upchurch, Kevin; Executive Director, MS Department of Finance and Administration

Also present were:

Clark, Andy; Scott, Sullivan, Streetman & Fox
Fouchard, Lisa; Cannon Cochran Management Services, Inc.
Hopson, Senator Briggs; Senate
Huddleston, Dr. Leo & Sue; claimants
Jackson, Laura; Cannon Cochran Management Services, Inc.
Kelly, Trina; Tort Claims Board
Logan, Jim; Tort Claims Board
McElroy, Lea Ann; Tort Claims Board
McMullen, Susan; Pearl River Valley Water Supply District
Milner, Steve; Tort Claims Board
Preziosi, Misti; Office of the State Treasurer
Sigman, John; Pearl River Valley Water Supply District
Streetman, Jim; Scott, Sullivan, Streetman & Fox
Wilson, Jeff; Trinity Capital
Woodcock, J. D. "Woody"; Attorney General's Office
Wray, Rita; Department of Finance and Administration
Younger, Jim; Department of Public Safety

Motion was made by Mr. Upchurch to approve the minutes of the March 14, 2013, meeting. Mr. Eads seconded the motion, which passed unanimously.

As Old Business, Mrs. McElroy reviewed the recently passed legislation regarding Volunteer Fire Departments and Charter Schools as an update for the Chairman.

There was no New Business.

Mr. Jim Logan presented the financial report through April 30, 2013. The Cash Flow Analysis details total revenue through April of \$5.6 million and total expenditures of \$4.2 million. Funds by account breakdown with \$1.66 million in the Treasury, \$205,241 in the Trustmark TPA account, and \$13.1 million in investments. Mr. Logan advised that the fund has \$6.7 million reserves, and \$8.3 million unencumbered cash. Claim payments to-date total \$1,178,337; legal expenses total \$941,570; other expenses total \$19,105. The average claim paid was \$1,844 with an average reserve of \$10,453. Mr. Logan then reviewed the Budget Comparison by category.

Mr. Jeff Wilson reviewed the April 2013 portfolio highlights. The total portfolio of \$13.22 million reflected a yield of 2.25% at the end of April. Mr. Wilson expects interest earnings to be around \$240,000 or 2% by fiscal year 2013 year-end. He also reviewed the structure of the portfolio for the Board.

Mr. Steve Milner provided a report of Loss Control activities since the last Board meeting. He has just completed Defensive Driving training in the Batesville MDOT district. Following a week in the Tupelo district and some make-up classes in Jackson, he will have trained over 3,000 MDOT employees. Training has also included hazard communication training for DFA Capital Facilities housekeeping and maintenance staff. This morning Mr. Milner participated in a successful fire drill at the Department of Environmental Quality, and he has resolved mold issues on the Coast.

Mrs. McElroy presented three (3) attorneys for inclusion in the approved Attorney Register: Shelly Gunn Burns of Currie, Johnson, Griffin & Myers, P.A.; J. Michael Coleman of Hagwood, Adelman & Tipton, P.C.; and Tommy Whitfield of Kitchens, Hardwick & Whitfield, PLLC. All three meet the eligibility requirements of the Board and staff recommends approval. Mr. Lanford moved to approve and Mr. Upchurch seconded. The motion passed unanimously.

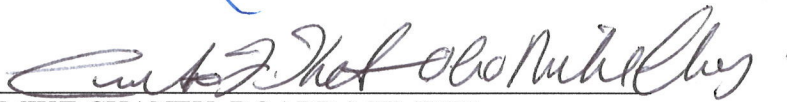
Mrs. McElroy presented a list of 25 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mr. Lanford made a motion to approve the list and Mr. Upchurch seconded the motion, which passed by unanimous vote.

There were two (2) claims issues before the Board: Huddlestons vs. Pearl River Valley Water Supply District and Scottie Wilson vs. MS Dept. of Human Services. In the absence of Mr. Donaldson, Chairman Beckett recognized Mrs. McElroy for discussion. Mrs. McElroy recognized Mr. John Sigman, Executive Director of the Pearl River Valley Water Supply District, and Mrs. Sue Huddleston for comments related to the reconsideration of their claim. Mr. Upchurch then made a motion to go into Closed Session to discuss going into Executive Session. Mr. Lanford seconded the motion, which passed by unanimous vote. Mr. Lanford made a motion to set the agenda for the Executive Session, taking up the Wilson case first followed by the Huddleston case. Mr. Upchurch seconded the motion, which passed unanimously. Chairman Beckett announced the agenda to those now waiting outside the meeting room. Mrs. Jackson then made a motion to announce that the Board was going into Executive Session. Mr. Upchurch seconded the motion, which passed unanimously. Following discussion of and action on the two (2) claims, Mr. Lanford made a motion to exit Executive Session. Mr. Upchurch seconded the motion, and the motion passed with a unanimous vote.

There being no further business to come before the Board, the meeting was adjourned.



P. RYAN BECKETT, CHAIRMAN



MIKE CHANEY, BOARD MEMBER

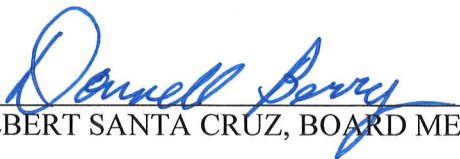
TRUDY FISHER, BOARD MEMBER



LYNN FITCH, BOARD MEMBER



JIM HOOD, BOARD MEMBER



ALBERT SANTA CRUZ, BOARD MEMBER



KEVIN J. UPCHURCH, BOARD MEMBER

**Mississippi Tort Claims Board
Thursday, May 16, 2013 – 1:30 P.M.**

AGENDA

- I.** Approval of Minutes
 - A. March 14, 2013
- II.** Old Business
- III.** New Business
- IV.** Financial Reports
 - A. Financial Report – Jim Logan
 - B. Investment Report – Jeff Wilson
- V.** Loss Control – Steve Milner
- VI.** Attorney General’s Report – Lea Ann McElroy
- VII.** Certificates of Coverage – Lea Ann McElroy
- VIII.** Claims Report – Bruce Donaldson
 - A. Huddlestons vs. Pearl River Valley Water Supply District
 - B. Honorable Jim Streetman (Scottie Wilson vs. MDHS)
- IX.** Adjournment

Next meeting date and time: July 11, 2013 – 1:30 P.M.
Meeting location: Suite 138, Conference Center North, Woolfolk Building, Jackson, MS

**MINUTES OF
MISSISSIPPI TORT CLAIMS BOARD
THURSDAY, MARCH 14, 2013**

The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

Whitley, Onetta; Acting Chairman; Deputy Attorney General, Representing Attorney General Jim Hood
Chaney, Mike; Commissioner, MS Insurance Department
Fitch, Lynn; Treasurer, State Treasury
Kelsey, Christina; Representing Insurance Commissioner Mike Chaney, MS Insurance Department
Upchurch, Kevin; Executive Director, MS Department of Finance and Administration

Also present were:

Burleson, Wes; Tort Claims Board
Donaldson, Bruce; Tort Claims Board
Jackson, Laura; Cannon Cochran Management Services, Inc.
Kelly, Trina; Tort Claims Board
Logan, Jim; Tort Claims Board
McElroy, Lea Ann; Tort Claims Board
Milner, Steve; Tort Claims Board
Woodcock, J. D. "Woody"; Attorney General's Office
Wray, Rita; Department of Finance and Administration
Younger, Jim; Department of Public Safety

Motion was made by Commissioner Chaney to approve the minutes of the January 10, 2013, meeting. Mrs. Fitch seconded the motion, which passed unanimously.

Under Old Business, Mrs. McElroy reviewed a summary of current legislation staff is following this Session. She also reported that the Governor has appointed a new Chairman – P. Ryan Beckett. Mr. Beckett is currently working on Senate confirmation and should be in attendance at the May meeting.

Under New Business, Mrs. McElroy introduced Wes Burleson. Wes is the newest member of the staff and will be working with Bruce Donaldson managing claims.

Mr. Jim Logan presented the financial report through February 28, 2013. Assessment receipts of \$4 million reflect collection of 100% of the total assessment for the year. Total expenditures through February were \$3.5 million. Funds by account breakdown with \$2.1 million in the Treasury, \$102,718 in the Trustmark TPA account, and \$13.1 million in

investments. Mr. Logan advised that the fund has \$6.5 million reserves, and \$8.8 million unencumbered cash. Claim payments to-date total \$1,033,978; legal expenses total \$811,027; other expenses total \$14,900. The average claim paid is \$1,966 with an average reserve of \$10,092. Mr. Logan then reviewed the Budget Comparison Report, also through February, by category.

In the absence of Mr. Wilson, Mr. Logan reviewed the February 2013 portfolio highlights. The total portfolio of \$13.1 million reflected a yield of 2.14% at the end of February. Mr. Wilson had hoped to be at this level by the end of the fiscal year. We are ahead of schedule due in part to growth in housing and unemployment. Mr. Wilson now looks to achieve 2.5% by next fiscal year.

Mr. Milner reviewed the Loss Control activities since the last Board meeting. He has completed Defensive Driving training for three (3) transportation districts – Yazoo City, McComb, and Hattiesburg – and is training in Jackson this week. He has trained 1,800 MDOT employees in those three districts, plus over 420 this week. He is very optimistic this will reduce fleet liability exposure for the Department of Transportation.

Mrs. McElroy presented one (1) attorney for inclusion in the approved Attorney Register: Vikki J. Taylor of Gibbs Whitwell, PLLC. Ms. Taylor meets the eligibility requirements of the Board and staff recommends approval. Mr. Upchurch moved to approve and Mrs. Fitch seconded. The motion passed unanimously.

Mrs. McElroy presented a list of 29 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mr. Upchurch made a motion to approve the list and Mrs. Fitch seconded the motion, which passed by unanimous vote.

There was no Claims Report.

There being no further business to come before the Board, the meeting was adjourned.



MIKE CHANEY, BOARD MEMBER

TRUDY FISHER, BOARD MEMBER

for Laura Jackson
LYNN FITCH, BOARD MEMBER (Deputy)

llua W
for JIM HOOD, BOARD MEMBER

Albert Santa Cruz
ALBERT SANTA CRUZ, BOARD MEMBER
by James W. Page

Kevin J. Upchurch
KEVIN J. UPCHURCH, BOARD MEMBER

MISSISSIPPI TORT CLAIMS BOARD
Combined Financial Report - Fiscal Year 2013
Fund 3080

-----CASH FLOW ANALYSIS-----

	March	April	Year-To-Date
REVENUE:			
Assessments Received	30,517.05	0.00	4,102,618.77
Interest	2,178.73	1,272.18	22,341.54
Investment Interest	25,921.49	45,290.09	213,034.33
Workers Comp Service Fees	0.00	0.00	14,627.17
Sale of Scrap	0.00	0.00	4,265.25
Prior Year Cancelled Warrant	0.00	0.00	422.00
Transfer In Funds	250,000.00	0.00	1,250,000.00
Total Revenue	\$ 308,617.27	\$ 46,562.27	\$ 5,607,309.06
EXPENSES:			
Claim Losses - TCB and TPA	70,067.91	74,291.97	1,178,337.42
Legal Expenses - TCB and TPA	29,816.15	100,726.88	941,570.29
Other Expenses - TCB and TPA	3,583.51	621.75	19,105.01
Administrative Expenses Paid	59,639.67	122,170.94	870,317.11
Transfer of Funds - Out	250,000.00	0.00	1,250,000.00
Total Expenses	\$ 413,107.24	\$ 297,811.54	\$ 4,259,329.83
FUNDS ON HAND:			
Beginning Balance	\$ 15,363,530.87	\$ 15,259,040.90	
Revenue	308,617.27	46,562.27	
Expenses	(413,107.24)	(297,811.54)	
Adjustments	0.00	0.00	
Total Funds	\$ 15,259,040.90	\$ 15,007,791.63	
Cash in Treasury	\$ 1,840,564.16	\$ 1,663,140.46	
Investment in Treasury	\$ 13,139,410.00	\$ 13,139,410.00	
TPA Trustmark Bank Balance	279,066.74	205,241.17	
Total Funds By Account	\$ 15,259,040.90	\$ 15,007,791.63	
Less Reserves	\$ 6,594,389.39	\$ 6,721,589.33	
Unencumbered Funds Available	\$ 8,664,651.51	\$ 8,286,202.30	

-----CLAIMS/RESERVES DETAIL (Year-To-Date)-----

	Tort Board	Mgt. Services	TOTAL
Claims - Payments	\$ 2,519.11	\$ 1,175,818.31	\$ 1,178,337.42
Claims - Legal Expenses	941,570.29	-	941,570.29
Claims - Other Expenses	-	19,105.01	19,105.01
Total Paid Out to Date	\$ 944,089.40	\$ 1,194,923.32	\$ 2,139,012.72
OUTSTANDING RESERVES	87,398.25	6,634,191.08	6,721,589.33
Total Claims & Reserves	\$ 1,031,487.65	\$ 7,829,114.40	8,860,602.05
Number of Claims Created	28	848	876
Number of Claims Paid	11	628	639
Total Open Claims	32	611	643
AVG. CLAIM \$ / # CLAIMS PAID	\$229.01	\$1,872.32	\$ 1,844.03
AVG. RESERVE / OPEN CLAIMS	\$2,731.20	\$10,857.92	\$ 10,453.48

NOTE: Information represents combined operations for Treasury Fund 3080 and the Trustmark account (utilized by CCMSI).

MISSISSIPPI TORT CLAIMS BOARD

Budget Comparison Report

Treasury Fund 3080

Fiscal Year 2013

Expenses:	Total Budget	March 2013	April 2013	Year To Date Expenditures	Ending Balance	Percent Expended
A1-Salaries	\$ 530,756.00	\$ 40,326.78	\$ 40,326.78	\$ 402,946.16	\$ 127,809.84	75.92%
A2-Travel	10,000.00	549.78	385.50	4,426.50	5,573.50	44.27%
B-Contractual	4,710,264.00	47,040.66	181,830.54	1,397,609.91	3,312,654.09	29.67%
C-Commodities	8,300.00	1,525.35	270.10	6,674.63	1,625.37	80.42%
D2-Capital Outlay	3,500.00	0.00	0.00	0.00	3,500.00	0.00%
E-Subsidies	4,000,000.00	250,000.00	1,160.53	1,252,519.11	2,747,480.89	31.31%
SUBTOTAL	<u>\$ 9,262,820.00</u>	<u>\$ 339,442.57</u>	<u>\$ 223,973.45</u>	<u>\$ 3,064,176.31</u>	<u>\$ 6,198,643.69</u>	<u>33.08%</u>
TPA Expended		<u>73,664.67</u>	<u>73,838.09</u>	<u>1,195,153.52</u>		
TOTAL Expended		<u>\$ 413,107.24</u>	<u>\$ 297,811.54</u>	<u>\$ 4,259,329.83</u>		

TRINITY

TRINITY CAPITAL INVESTORS

May 1, 2013

Mr. Jim Logan
Mississippi Tort Claims Board
P O Box 267
Jackson, MS 39205-0267

Re: April 2013 Portfolio Highlights

Total Portfolio		\$13,222,279 + accrued
Fiscal YTD Internal Rate of Return		1.77%
Current Portfolio Yield		2.25%
Weighted Average Life		Approximately 2.3 years
YTD Interest Earned	Fiscal Year	213035
Accrued Interest		19031

1675 Lakeland Drive Suite 400 Jackson, MS 39216
Telephone 601-956-3511
Fax 601-956-3513

Security Inventory
Booking Report
April 2013
MISSISSIPPI TORT CLAIMS FUND

Security Group	Type	Par Value	Book Value/ Cost
AGEN	FNMA	1,000,000	1,008,225.00
	AID	250,000	268,427.50
	FHLB	805,000	800,050.00
	FHLMC	1,000,000	1,001,960.00
CMO	GNMA	4,712,998	4,584,807.87
	GN ARM	708,736	350,864.27
	GN FLOATER	474,564	151,740.94
	FHR	1,287,078	1,248,433.09
INTEREST			45,290.09
CASH			3,807,770.01
			13,222,278.68

Transfer:

Trinity Capital Investors



STATE OF MISSISSIPPI
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD
P. RYAN BECKETT, CHAIRMAN

MIKE CHANEY, Commissioner
Insurance Department
TRUDY FISHER, Executive Director
Department of Environmental Quality
LYNN FITCH, Treasurer
Department of Treasury

JIM HOOD, Attorney General
Office of Attorney General
ALBERT SANTA CRUZ, Commissioner
Department of Public Safety
KEVIN J. UPCHURCH, Executive Director
Department of Finance and Administration

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Steve Milner
DATE: May 16, 2013
RE: Loss Control Report

Since the last Board meeting, loss control and risk management services for both the Tort Claims Board and the State Agencies Self-Insured Workers' Compensation Trust included:

- 10 Defensive Driving classes
- 7 State Property Inspections
- 6 Ergonomic Assessments
- 9 Accident Investigations
- 5 State Property Construction Safety Inspections
- 1 Emergency Response
- 1 ADA Quality Assessment Meeting
- 4 Hazardous Communication Training Classes
- 1 Safety Managers Training Class
- 1 Ride a Long
- 1 Construction Safety Planning Meeting
- 2 Safety Meetings



STATE OF MISSISSIPPI
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD
P. RYAN BECKETT, CHAIRMAN

MIKE CHANEY, Commissioner
Insurance Department
TRUDY FISHER, Executive Director
Department of Environmental Quality
LYNN FITCH, Treasurer
Department of Treasury

JIM HOOD, Attorney General
Office of Attorney General
ALBERT SANTA CRUZ, Commissioner
Department of Public Safety
KEVIN J. UPCHURCH, Executive Director
Department of Finance and Administration

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Lea Ann McElroy
DATE: May 16, 2013
RE: Additions to Defense Attorney List

RECOMMENDATION: Staff recommends approval of (3) attorney for inclusion on Defense Attorney List

Shelly Gunn Burns, Esquire
Currie, Johnson, Griffin & Myers, P.A.
Post Office Box 750
Jackson, Mississippi 39205

J. Michael Coleman, Esquire
Hagwood, Adelman & Tipton, P.C.
Post Office Box 14188
Jackson, Mississippi 39236-4188

Tommy Whitfield, Esquire
Kitchens, Hardwick & Whitfield, PLLC
1000 Lake Village Circle
Brandon, Mississippi 39047

CURRIE JOHNSON GRIFFIN & MYERS, P.A.

ATTORNEYS AT LAW

MAILING ADDRESS

**POST OFFICE BOX 750
JACKSON, MISSISSIPPI 39205**

SHELLY GUNN BURNS
sb@curriejohnson.com

**1044 RIVER OAKS DRIVE
JACKSON, MISSISSIPPI 39232**

**TELEPHONE: 601-969-1010
FACSIMILE: 601-969-5120**

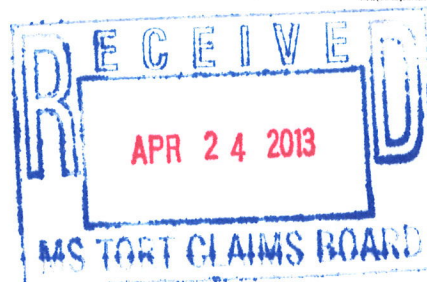
GULF COAST OFFICE

**925 TOMMY MUNRO DRIVE
SUITE H
BILOXI, MISSISSIPPI 39532**

**TELEPHONE: 228-385-1010
FACSIMILE: 228-385-1011**

April 23, 2013

Mississippi Tort Claims Board
P.O. Box 267
Jackson, MS 39205



Dear Board Members:

I am writing to formally request that I be added to the Tort Claims Approved Attorney Register as outside defense counsel. I am currently in good standing with the Mississippi Bar Association and have been since initially becoming licensed in September 1997. I have also been practicing insurance defense litigation exclusively since joining Currie Johnson Griffin & Myers, P.A. as an associate in January 1999. In fact, I have been periodically assisting in the defense of various claims made against Mississippi governmental entities and their employees for most of that time. A substantial portion of that work has been in the area of medical malpractice defense under the supervision/mentoring of Whit Johnson. I have become particularly well acquainted with Marilyn Wilson at UMMC as a result. As you might imagine, I am likewise familiar with the Board's billing guidelines. My resume is attached for your review. Please feel free to contact Mr. Johnson and/or Ms. Wilson. Finally, please let me know if you need any additional information and/or documentation from me. My personal contact information is referenced within the body of my resume; however, you may certainly use the firm address, email address and/or phone number referenced above if desired. Thank you for your consideration.

With best regards, I remain

Sincerely yours,

CURRIE JOHNSON
GRIFFIN & MYERS, P.A.

Shelly Gunn Burns

SGB/vs
Enclosure

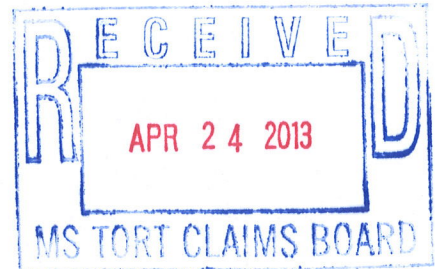
SHELLY GUNN BURNS
203 Allen Drive
Brandon, Mississippi 39047
shellygunnburns@gmail.com
(601) 906-3644

Legal Experience

Currie Johnson Griffin & Myers, P.A.
Flowood, Mississippi
January 1999 - Present

Civil Litigation Trial Attorney: Sole or Lead Counsel in dozens of
State and Federal Court Jury and Bench Trials throughout Mississippi

Medical Negligence
Private and Commercial Auto Torts
Premises Liability
Products Liability
Real Estate Negligence
Private and Public School Negligence
Construction Negligence
Bad Faith



Mississippi Court of Appeals
July 1997 - December 1998

Judicial Clerk to the Honorable B. Greg Hinkebein

Admitted to Mississippi Practice: September 1997 (MSB# 10674)

Other Experience

Beepers Plus
Ridgeland, Mississippi
July 1992 - August 1994
Outside Sales Representative

Education

Mississippi College School of Law
Doctor of Jurisprudence May 1997
Cum Laude; Top 10% of graduating class (3.25/4.0)
Hearin-Hess Scholar
American Jurisprudence Awards (United States Supreme Court Studies,
Wills & Estates)

Mississippi State University
Bachelor of Business Administration, Marketing May 1992
Summa Cum Laude (3.98/4.0)
Phi Kappa Phi, Delta Sigma Pi Scholarship Key
Marketing Student of the Year 1992



J. MICHAEL COLEMAN *Attorney*

One LeFleur's Square
4735 Old Canton Road, Suite 111
Jackson, MS 39211-5527

P. O. Box 14188
Jackson, MS 39236-4188

hatlawfirm.com

(601) 608 6300 ph
(855) 608 6300 tf
(601) 362 3642 fx
mcoleman@hatlawfirm.com

April 30, 2013

Mr. Bruce Donaldson
Mississippi Dept. of Finance and Administration
P.O. Box 267
Jackson, Mississippi 39201

Dear Mr. Donaldson:

I am writing to request that I be added to the Tort Claims Approved Attorney Register. I have been practicing law for over 13 years, and I am licensed and in good standing in Mississippi, Alabama and Tennessee. I have handled lawsuits governed by the Mississippi Tort Claims Act for all of the 13 plus years in which I have been practicing by working under or with other attorneys on the approved register, including Wes Williams, Ray McNamara, and most recently, Senith Tipton. I have tried three cases in which I defended the University of Mississippi Medical Center, and I have argued and won a case for UMMC at the Mississippi Court of Appeals.

In addition to my work for UMMC, I also represent Mississippi Municipal Service Company, and many of their member municipalities including Canton, Pearl, Flowood, Ridgeland, Isola, Wesson, Port Gibson, and others.

While I have had the privilege of doing this work over the years by working with the lawyers mentioned above, I have been remiss in not requesting that I be added to the approved registry myself. I have enclosed my resume, along with information on my firm, which was recently formed by a split and merger in Wilkins Tipton, PA.

Please let me know if you need any additional information, and do not hesitate to contact me with any questions or concerns you may have.

Sincerely,

HAGWOOD ADELMAN TIPTON PC


J. Michael Coleman



JMC:jlm
Enclosures

J. MICHAEL COLEMAN
HAGWOOD ADELMAN TIPTON PC
ONE LEFLEUR'S SQUARE
4735 OLD CANTON ROAD, SUITE 111
P.O. BOX 14188
JACKSON, MISSISSIPPI 39236-4188
(601) 608-6300 (o); (601) 720-9977 (c)

mcoleman@hatlawfirm.com

Admitted in Alabama, Mississippi and Tennessee

● **Career**

January 1, 2013 - present: Hagwood Adelman Tipton PC

- ◆ Shareholder;
- ◆ Lead trial attorney for MTCA, medical malpractice and general defense litigation;
- ◆ Handle all aspects of civil defense litigation including Tort Claims Act defenses, medical malpractice, nursing home defense and general litigation;
- ◆ Handle multiple appeals in state and federal appellate courts including briefing and oral argument;
- ◆ AV Preeminent rate attorney with Martindale-Hubbell.

August 2010 - December 31, 2012: Wilkins Tipton, P.A.

- ◆ Shareholder;
- ◆ Handled all aspects of civil defense litigation including Tort Claims Act defenses, medical malpractice, nursing defense and general litigation;
- ◆ Lead counsel on multiple civil trials;
- ◆ AV Preeminent rated attorney with Martindale-Hubbell.

October 2009 - August 2010: Montgomery, McGraw, Collins, O'Cain & Coleman

- ◆ Partner in full service firm - handling all aspects of civil and criminal litigation, as well as chancery court matters including family law, land disputes, and guardian *ad litem* work;
- ◆ Certified Guardian *Ad Litem*;
- ◆ Tried multiple divorce and custody matters;
- ◆ Licensed to practice in Mississippi, Alabama, and Tennessee.

June 2007 - October 2009: Wilkins, Stephens & Tipton

- ◆ Senior Associate - managed all aspects of 30-40 litigation files from the client development stage through trial and appeal. The subject matter of these files was very broad, and included Tort Claims Act defenses, medical negligence, construction defects and negligence, premises and products liability,

- insurance coverage disputes, uninsured motorist claims, bad faith, personal injury defense, and some Chancery Court practice;
- ◆ Lead or solo counsel in multiple trials and appeals;
- ◆ Briefed and argued winning appeal before Fifth Circuit Court of Appeals in 2009;
- ◆ Trained and supervised both junior associates and support staff;
- ◆ Represented firm in various speaking engagements and client development seminars;
- ◆ BV rated with Martindale-Hubbell.

December 2001 - June 2007: Copeland, Cook, Taylor & Bush

- ◆ Senior Associate- handled all aspects of Tort Claims Act defense, medical malpractice, premises liability, products liability, and general negligence litigation, including pretrial, trial, and appellate work;
- ◆ Merged with Copeland Cook Taylor & Bush with Ray McNamara;
- ◆ Attended the National Institute for Trial Advocacy Trial Skills seminar in New Orleans;
- ◆ Drafted the winning briefs for cases on appeal to Mississippi Supreme Court, and briefed and argued the winning brief in a case before the Mississippi Court of Appeals;
- ◆ Heavily involved in two bench trials and two jury trials.

August 2001 - December 2001: McNamara, Bailey, & Kelly

- ◆ Associate - handled all aspects of Tort Claims Act defense, medical malpractice, premises liability, products liability, and general negligence litigation, including pretrial, trial, and appellate work;
- ◆ Heavily involved in all depositions and hearings conducted in this small defense firm;
- ◆ Heavily involved in drafting of pleadings and dispositive motions.

May 1999 - August 2001: Markow, Walker & Reeves

- ◆ Associate- handled primarily pretrial and discovery phases of general civil litigation practice.

● **Education**

- ◆ Juris Doctor - Mississippi College School of Law - 1999
- ◆ Bachelor of Art - Communication - minor equivalent in Psychology- Mississippi State University - 1991.

* References available upon request.

THOMAS E. WHITFIELD, JR., ESQ.

tommy@kitchenshardwick.com

March 25, 2013

The Mississippi Tort Claims Board
501 North West Street, Suite 1301-C
Jackson, MS 39201

**Re: Tommy Whitfield
MSB No. 102482**

Members of the Mississippi Tort Claims Board:

I am a duly licensed attorney in the State of Mississippi, and I am in good standing with the Mississippi Bar. I have been a member of the bar for the past six years, and during that time I have prosecuted numerous cases as an Assistant District Attorney. I have also been involved in defense work, as I currently represent the University of Mississippi Medical Center in various federal and state cases, which include claims brought pursuant to the Mississippi Tort Claims Act.

Based on my experiences over the past six years, I feel I am qualified to be placed on the roll of attorneys authorized to defend Mississippi Tort Claims cases. Thank you for your consideration.

Sincerely,



Tommy Whitfield

TW:dm

KITCHENS HARDWICK & WHITFIELD PLLC

- [Home \(/\)](#)
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Attorneys

Tommy Whitfield



Profile

Tommy is a partner at Kitchens Hardwick Ray & Whitfield, PLLC whose offices are located at 1000 Lake Village Circle in Brandon, Mississippi. He has experience handling civil and criminal cases.

Tommy was born in Starkville, Mississippi. After graduating from Starkville High School, Tommy began working as a dispatcher for the Oktibbeha County Sheriff's Department. He was promoted to deputy sheriff, and graduated first in his class at the North Mississippi Law Enforcement Officer's Training Center in Tupelo, Mississippi, in 1996. Tommy continued to serve the citizens of Oktibbeha County as a deputy sheriff under Sheriff Dolph Bryan.

Tommy received his Bachelor of Arts degree from the University of Alabama where he graduated summa cum laude in 2003. In 2004, Tommy left the Oktibbeha County Sheriff's Office to attend law school at Mississippi College School of Law where he received his Juris Doctorate in December, 2006.

Admissions and Licenses

- Mississippi Supreme Court, 2007
- Alabama Supreme Court, 2008
- Fifth Circuit Court of Appeals, 2007
- Eleventh Circuit Court of Appeals, 2008
- United States District Courts for the Northern and Southern Districts of Mississippi, 2007
- United States District Courts for the Northern, Middle, and Southern Districts of Alabama, 2008

Experience

During law school, he was sworn into limited practice and completed an externship under Richard Wilson, the Rankin County Prosecutor where he prosecuted numerous misdemeanor cases in the Rankin County Justice and Flowood Municipal Courts.

Upon graduation from the Mississippi College School of Law, he joined a private firm where he handled a diverse practice of civil litigation, employment law, domestic relations, and criminal defense. During this time Tommy also served as a special prosecutor for the City of Ridgeland.

In 2009, Tommy was hired as an Assistant District Attorney for the Fifth Circuit Court District of Mississippi for District Attorney Doug Evans. As an Assistant District Attorney, he prosecuted numerous felony cases from drug sales to capital murder. While an Assistant District Attorney, Tommy served on the Board of Directors for the Mississippi Prosecutor's Association and on their legislative committee.

Past and Present Activities

- Mississippi Prosecutor's Association Board of Directors
- Mississippi Prosecutor's Association Legislative Committee



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STATE OF MISSISSIPPI
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD
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Department of Public Safety
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Department of Finance and Administration

MEMORANDUM

TO: Mississippi Tort Claims Board
FROM: Lea Ann McElroy
DATE: May 16, 2013
RE: Political Subdivisions – Certificates of Coverage

RECOMMENDATION: Staff recommends approval of 25 political subdivisions shown on attached list.

MISSISSIPPI TORT CLAIMS BOARD

Political Subdivisions Recommended for Renewal of Certificates of Coverage

Attala County Fire Service
Bolivar County Board of Supervisors
Copiah-Jefferson Regional Library
Diamonhead Water & Sewer District
Eudora Volunteer Fire Department
Fairhaven Fire Department
Fernwood Fire Department
Forest City Clerk
GT&Y Utility District, Inc.
Gravel Bayou Drainage District
Hubbard Murphree Drainage District
Jackson City Clerk
Jackson County Port Authority
Jackson County Utility Authority
Mars Hill Volunteer Fire Department
Mid-Mississippi Development District
Oktibbeha County Central Drainage District
Pecan Bayou Drainage District
Region VI Mental Health-Mental Retardation Commission
Sharkey-Issaquena Community Hospital
Simpson County Board of Supervisors
Southwest Madison Fire District
Sunflower Drainage District
Winston County Vol Fire Dept
Oktibbeha County Hospital

TOTAL PRINTED: 25